



DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BABINEAUX BLANCO
GOVERNOR

MIKE D. McDANIEL, Ph.D.
SECRETARY

**EXHIBIT
19**

CERTIFIED MAIL 7003 2260 0000 5824 8195
RETURN RECEIPT REQUESTED

Veronica Toussaint White, Director
Department of Sanitation
City of New Orleans
1340 Poydras Street, Suite 750
New Orleans, Louisiana 70112

**RE: ADMINISTRATIVE ORDER
Gentilly Landfill "Type III"
AGENCY INTEREST NO. 1036**

Dear Ms. White:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **ADMINISTRATIVE ORDER** is hereby served on **City of New Orleans (Gentilly Landfill "Type III")**.

Any questions concerning this action should be directed to Robert Thomas at (225) 219-3056.

Sincerely,

Chuck Carr Brown, Ph.D.
Assistant Secretary

Attachment

c: Amid Metro Partnership, LLC.

ENVIRONMENTAL SERVICES

: PO BOX 4313, BATON ROUGE, LA 70821-4313

P:225-219-3181 F:225-219-3309

WWW.DEQ.LOUISIANA.GOV

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF
GENTILLY LANDFILL "TYPE III"
ORLEANS PARISH

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AGENCY INTEREST NO. 1036

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT,
La. R.S. 30:2001, ET SEQ.

ADMINISTRATIVE ORDER

The following **ADMINISTRATIVE ORDER** is issued to the City of New Orleans, concerning Gentilly Landfill "Type III", (Gentilly) by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2011(D)(6) and (D)(14) and La. R.S. 30:2275.

FINDINGS OF FACT

I.

Gentilly is a Type III landfill as defined in LAC 33:VII.115 located at 10200 Almonaster Avenue, Orleans Parish. It is owned by the City of New Orleans and operated by Amid Metro Partnership, LLC.

II.

As a Type III landfill, Gentilly is authorized pursuant to LAC 33:Part VII to accept *construction and demolition debris*, (C&D debris) *woodwastes*, and *yard waste* as defined in LAC 33:VII.115.

III.

The Department issued a Declaration of Emergency and Administrative Order dated August 30, 2005 and subsequent amendments (4th Amendment, dated January 13, 2006) in response to the devastation caused by Hurricane Katrina. It authorized the disposal of uncontaminated construction and demolition debris in permitted Type III landfills and sites that have been authorized by the Department for such disposal. The Declaration of Emergency and Administrative Order stated that for purposes of the order, "construction and demolition debris shall be the material indicated in Appendix D of this Declaration." Appendix D allowed the following "hurricane generated materials" for disposal at a "permitted construction and demolition debris (C&D) landfill":

- Nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing materials, sheet rock, plaster, lumber from a construction or demolition project, and other building or structural materials;
- Furniture, carpet, and painted or stained lumber contained in the demolished buildings;
- The incidental admixture of construction and demolition debris with asbestos-contaminated waste (i.e., incidental asbestos-contaminated debris that cannot be extracted from the demolition debris); and

- Yard waste and other vegetative matter.

IV.

As a result of Hurricane Katrina, it is estimated that 55 million cubic yards of debris has been generated in the Katrina impacted parishes. In response to the volume of debris generated, it is anticipated that the amount of hurricane generated materials to be directed to this landfill may exceed the rate of disposal generally associated with C&D landfills and originally anticipated for this landfill.

V.

The Department and Louisiana Environmental Action League (LEAN) have entered into a Consent Judgment, dated March 16, 2006, to settle East Baton Rouge Parish Suit Number 537,649, filed by LEAN challenging the Department's decision to utilize Gentilly Landfill for disposal of hurricane-generated debris.

VI.

The Consent Judgment provides that the Department shall limit daily intake at the Gentilly Landfill to 19,000 cubic yards per day during the time preceding the issuance of a decisional document and require an adequate number of spotters to be present on the working face of the landfill during operation of the facility. The Department has also agreed to fashion a plan for groundwater monitoring and require the facility to develop a surface water monitoring or sampling plan.

ADMINISTRATIVE ORDER

Based on the foregoing, the City of New Orleans, Gentilly Type III Landfill is hereby ordered:

I.

To limit daily intake of waste at the Gentilly Landfill to 19,000 cubic yards per day and provide an adequate number of spotters to be present on the working face of the landfill during operation of the facility.

II.

A) To prepare and submit a Ground Water Monitoring Plan for the construction and implementation of a Groundwater Monitoring Program to the Department within sixty (60) days of service of this order.

The Ground Water Monitoring Plan shall include but not be limited to the following:

- 1) A method(s) to properly characterize the subsurface geology to determine the placement of ground water monitoring wells.
- 2) A ground water monitoring system to provide for the monitoring of the uppermost aquifer, and the uppermost water-bearing permeable zone which will yield sufficient quantities of water for sampling if different from the uppermost aquifer.
- 3) A list of proposed ground water monitoring parameters based on the characteristics of waste received at the facility.
- 4) A Sampling and Analysis Plan.
- 5) A proposed statistical method(s) for evaluating the ground water data.

- 6) A response action plan to address any statistical significant increase in the ground water data.
- B) To begin construction of the elements of the Ground Water Monitoring Program within sixty (60) calendar days of receiving the Department approval and implement the Plan in accordance with the approved activity schedule.

III.

- A) To comply with the effluent limitations and monitoring requirements for discharges of landfill wastewater from a Construction/Demolition Debris Woodwaste Landfill (see attached Appendix H of Fourth Amended Declaration of Emergency and Administrative Order).
- B) To comply with the effluent limitations and monitoring requirements for non-contaminated storm water discharges of landfill wastewater from a Construction/Demolition Debris and Woodwaste Landfill (see attached Appendix H of Fourth Amended Declaration of Emergency and Administrative Order).
- C) To make a determination whether groundwater makes contact with a surface water body. If it is determined that groundwater related to the Type III facility operations discharges into surface water, Gentilly will submit a plan for monitoring discharges of groundwater into the surface water.

IV.

Within fifteen (15) calendar days after service of this Administrative Order, the City of New Orleans, Gentilly Type III Landfill shall designate a Project Manager (PM). (The Department will also name a Project Manager.) To the maximum extent possible, communications between the City of New Orleans, Gentilly Type III Landfill and the Department and all documents, including work plans,

reports, and correspondence, shall be directed through the Project Managers, as appropriate. The absence of the Project Managers from the site shall not be cause for the stoppage of work.

V.

The Department shall have the authority to halt, conduct or direct any tasks required by this Administrative Order and/or any response actions or portions thereof when conditions present an immediate risk to public health or welfare or the environment. To the maximum extent feasible, the Department shall allow the City of New Orleans, Gentilly Type III Landfill to take any response action required pursuant to this clause.

VI.

The City of New Orleans, Gentilly Type III Landfill shall submit all correspondence and other documents to be submitted pursuant to this Administrative Order (including work plan[s] and report[s]) to the following addresses or to such other addresses as the Department hereafter may designate in writing:

Mr. Keith Casanova, Administrator
Remediation Services Division
Department of Environmental Quality
P.O. Box 4314
Baton Rouge, Louisiana 70821-4314

VII.

The City of New Orleans, Gentilly Type III Landfill shall be excused from performing the activities called for in the Work Plan(s), within the time limits and in the manner specified in the schedules included in the work plan(s), if such performance is prevented or delayed by circumstances which constitute *force majeure*, as determined by the Department. For purposes of this Administrative Order, *force majeure* is any circumstance including weather, acts of God, and other circumstances

arising from causes beyond the City of New Orleans, Gentilly Type III Landfill's reasonable control despite the City of New Orleans, Gentilly Type III Landfill's due diligence and good faith efforts. In the event of *force majeure*, the time for performance of any activity delayed by the *force majeure* shall be extended for the time period of the delay attributable to the *force majeure* event and the time for performance of any activity dependent upon the delayed activity shall be similarly extended. City of New Orleans, Gentilly Type III Landfill shall notify the Department in writing as soon as reasonably possible but not later than fifteen (15) calendar days after City of New Orleans, Gentilly Type III Landfill becomes aware of a circumstance which may delay or prevent (or has delayed or prevented) performance of any activity under the Work Plan(s). The notice shall state the cause and anticipated length of the delay, the measures taken by City of New Orleans, Gentilly Type III Landfill to prevent or minimize such delay, and a timetable outlining when such measures were or will be taken.

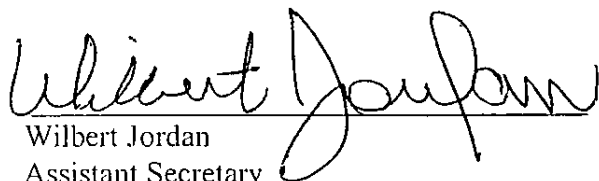
VIII.

This **ADMINISTRATIVE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 3rd day of April, 2006.



Chuck Carr Brown, Ph.D
Assistant Secretary
Office of Environmental Services



Wilbert Jordan
Assistant Secretary
Office of Environmental Assessment

Copies of correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Services
Water and Waste Permit Division
P.O. Box 4313
Baton Rouge, LA 70821-4313
Attention: Lenny Young